

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 32

MAILED

JUN 30 1999

UNITED STATES PATENT AND TRADEMARK OFFICE

PAT & TM OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY A. THOMPSON & VIC C. KNAUF

Appeal No. 95-3227
Application 07/762,762¹

ON BRIEF

Before STONER, *Chief Administrative Patent Judge*,
HARKCOM, *Vice Chief Administrative Patent Judge*, and
WILLIAM F. SMITH, *Administrative Patent Judge*.

Per Curiam.

ORDER VACATING ORAL HEARING AND REMAND TO THE EXAMINER

The Office of the Group Director of Technology Center 1600
has requested that this application be remanded to the

¹ Application for patent filed September 16, 1991, which is said to be a continuation-in-part of Application No. 01/111,746, filed March 14, 1991, and is said to be a continuation-in-part of Application No. 07/494,106, filed March 16, 1990, and is said to be a continuation-in-part of Application No. 07/615,784 filed November 14, 1990, which is said to be a continuation-in-part of Application No. 07/567,373, now abandoned.

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jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Since the appeal is currently scheduled for an Oral Hearing on July 12, 1999, we hereby vacate *the Oral Hearing and remand.*

If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the board so that the appeal may be restored to its existing place in the order in which appeals are decided. A new appeal number will not be assigned nor will a new appeal fee be required in the event that the examiner returns this application to the jurisdiction of the board following reconsideration.

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This application, by virtue of its "special" status, requires **immediate** action by the examiner. See MPEP § 708.01(d). The Board of Patent Appeals and Interferences **must** be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

HEARING VACATED AND REMANDED

BRUCE H. STONER, JR., Chief
Administrative Patent Judge

GARY V. HARKCOM, Vice Chief
Administrative Patent Judge

WILLIAM F. SMITH
Administrative Patent

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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